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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,425	10/06/2004	Dieter Saupe	4100-350PUS	6285
27799	7590	05/11/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EVANISKO, LESLIE J	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/510,425	SAUPE, DIETER	
	Examiner	Art Unit	
	Leslie J. Evanisko	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-06-2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 14 is objected to because of the following informalities:

With respect to claim 14, the claim does not include a claim number upon which it is intended to be dependent. For the sake of furthering prosecution, the Examiner has assumed that claim 14 is intended to depend upon claim 8.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8, 10-11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Zernov (US 3,384,012). Zernov teaches an apparatus for positioning a mobile auxiliary processing device C relative to a printing press P comprising a first positioning device 26, 27, 28, 29, 30 mounted on the auxiliary processing device C and a further

positioning device 6, 7, 8, 9 fixed to a floor F relative to the printing press (since holes 6-9 are located on fixed side walls 1, 2 as described in column 1, line 66 through column 2, line 4), the first positioning device being engageable with the further positioning device such that the auxiliary processing device is reproducibly positionable at an operating position in relation to the printing press. See Figures 1-4 and 9 and column 1, lines 12-35 and column 2, lines 27-52.

With respect to claim 10, note the auxiliary processing device C has a mobile frame 21, 22, 23, 24, 25 using wheels 10, 11, 12, 13 for providing mobility to the auxiliary processing device, as described, for example in column 2, lines 12-18 and 22-26 as well as claim 1 of Zernov.

With respect to claim 11, note Zernov teaches the first positioning device 26, 27, 28, 29 includes a base piece for supporting the weight of the auxiliary processing device when the first positioning device engages the further positioning device in column 2, lines 46-52. Note since Zernov teaches the cart C is lifted from the ground when the pins 26-29 engage with the holes 6-9, the device would inherently include some structure for supporting the weight of the cart that could broadly be considered to be a "base piece" as recited.

With respect to claim 14, note the apparatus of Zernov includes two first positioning devices 26, 27, 28, 29 which correspond to two further positioning devices 6, 7, 8, 9 mounted (at least indirectly through side walls 1, 2) on the floor.

5. Claims 8-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kataoka (US 4,239,001). Kataoka teaches an apparatus for positioning a mobile

auxiliary processing device (i.e., movable part 4) relative to a printing press (as shown in Fig. 1) comprising a first positioning device 9b mounted on the auxiliary processing device 4 and a further positioning device 9a located on stationary part 3 which is fixed to a floor relative to the printing press (see column 3, lines 56-62), the first positioning device 9a being engageable with the further positioning device 9b such that the auxiliary processing device is reproducibly positionable at an operating position in relation to the printing press. See Figures 1, 3-4, and 8(B) and column 3, line 50 through column 4, line 33 in particular.

With respect to claim 9, note the first positioning device 9b has a conical outer contour and the further positioning device 9a has a complementary conical recess for engagably receiving the conical outer contour, as shown in Figures 3 and 8(B) and described in column 4, lines 24-33 of Kataoka in particular.

With respect to claim 10, note the auxiliary processing device 4 of Kataoka includes both a mobile frame (provided, for example, by wheels 8, 18) and lifting gear (provided by vertical motion means 10) for providing mobility to the auxiliary processing device.

With respect to claim 14, note the device of Kataoka includes two first positioning devices 9b on the auxiliary processing device and two further positioning devices 9a mounted on the floor in Figures 3 and 8(B) in particular.

6. Claims 8, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nuttin (US 4,966,352). Nuttin teaches an apparatus for positioning a mobile auxiliary processing device 39, 71, 77, 83 relative to a printing press 3 comprising a first

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positioning device (movable locking member component of securing means 107) and a further positioning device (another component of securing means 107) fixed to a floor relative to the printing press (fixed on guide means 103 and thus frame 11 which is fixed relative to the floor), the first positioning device being engageable with the further positioning device such that the auxiliary processing device is reproducibly positionable at an operating position in relation to the printing press. See, in particular, column 7, line 49-column 8, line 16 and column 9, line 64 through column 10, line 5 and Figures 1-3 of Nuttin.

With respect to claim 10, note Nuttin teaches the auxiliary processing device 39, 71, 77, 83 has a mobile frame 101, 203, 261 (movable by roller elements 105, 205) and/or lifting gear 263 for providing mobility to the auxiliary processing device in column 7, lines 46-57 and column 14, line 53 through column 15, line 20.

With respect to claim 13, note Nuttin teaches the auxiliary processing device 83 is a cross-cutter in column 6, lines 53-56 and additionally could be replaced by or additionally include such items as a sheet collector or folder in column 15, lines 35-48.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zernov (US 3,384,012). With respect to claim 12, note Zernov teaches the apparatus includes a U-shaped receptacle 31 arranged on the floor in relation to the further processing device and a cylindrical bolt 31a arranged on the auxiliary processing device such that the cylindrical bolt is receivable in the U-shaped receptacle for aligning the first positioning device relative to the further positioning device in column 2, lines 34-39 and shown in Figures 2 and 9 in particular. Note since the U-shaped receptacle is fixed to the frame which is fixed to the floor, it can broadly be considered to be “arranged on the floor” as recited. Although the arrangement in Zernov is opposite from the arrangement recited in claim 12, it would have been obvious to one of ordinary skill in the art to provide the U-shaped receptacle on the auxiliary processing device and the cylindrical bolt arranged on the floor as recited since it would require only an obvious reversal of parts, since the U-shaped receptacle and cylindrical bolt of Zernov function in the same manner as the recited structure to provide optimum alignment of the auxiliary processing device relative to the printing press. Particular attention is invited to MPEP 2144.04 in particular.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hantscho (US 3,877,370), Blank et al. (US 2003/0036468 A1), Halley (US 4,046,070), and Dutro et al. (US 3,111,250) each teach a modular printing press including interchangeable processing modules having obvious similarities to the claimed subject matter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is (571) 272-2161. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
May 8, 2006